

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 2:24-cv-2114-JAD-DJA

State of Nevada,

Plaintiff

v.

Mr. Clayton-M. Bernard-Ex,

Defendant

Order Denying Motion to Stay

[ECF Nos. 9, 10]

Clayton-M. Bernard-Ex, who claims he's a "tax-exempt," "free sovereign American Citizen and 'nonresident alien,'" commenced this proceeding as a purported "removal" of a Las Vegas Justice Court Case against him¹ and seeks an award of \$38.5 million in damages for his alleged "false arrest" and various other torts and constitutional violations.² Although Bernard-Ex captioned this case with himself as the defendant, it was he who initiated it. He now moves to stay this case, arguing that his filing for Chapter 7 bankruptcy protection on December 4, 2024, triggered an automatic stay under 11 U.S.C. § 362(a).³

But the automatic stay does not work that way. The Ninth Circuit has made clear that the stay provided by § 362 "does not prevent a plaintiff/debtor from continuing to prosecute its own claims nor does it prevent a defendant from protecting its interests against claims brought by the debtor."⁴ "This is true, even if the defendant's successful defense will result in the loss of an

¹ See ECF No. 1-4 at 5 (referencing Justice Court Case No. 17 F17046X).

² *Id.*

³ ECF Nos. 9, 10. It appears that the motion was filed twice.

⁴ *In re Palmdale Hills Property, LLC*, 654 F.3d 868, 875 (9th Cir. 2011).

1 allegedly valuable claim asserted by the debtor.”⁵ So, because Bernard-Ex initiated this action,
2 and there are no claims in this case against him,

3 **IT IS ORDERED that the motion to stay this case based on 11 U.S.C. § 362(a) [ECF**
4 **Nos. 9, 10] is DENIED.**

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6 U.S. District Judge Jennifer A. Dorsey
7 January 7, 2025
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⁵ *Id.*